UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/677,418	10/02/2003	Zhibin Lei	64032/P006US/10303189	8456

29053   7590   12/23/2009
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ART UNIT	PAPER NUMBER
2452	

MAIL DATE	DELIVERY MODE
12/23/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *01 October 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32-50* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *32-50* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.　This office action is in response to amendment /reconsideration filed on

10/01/2009, the amendment/reconsideration has been considered. Claims 32-50 are

pending for examination, the rejection cited as stated below.

Election/Restrictions

2.　In reply to the requirements of restriction, applicant has elected group III which

includes Claims 32-50 with traverse.

3.　As to Applicants arguments regarding legitimacy of restriction please note that,

such requirement will normally be made before any action on the merits; however, it

may be made at any time before final action." - (MPEP 811.02) - 37 CFR 1.142(a).

　　In present case, restriction is proper because examiner has to consider different

embodiments with respect to different set of claims and in instant application applicant

has four distinct invention which falls into four different subclasses e.g. Group I falls

under 709/204, Group II falls under 709/238, Group III falls under 709/231 and Group IV

falls under 709/207 and hence directs to four distinct inventions. Further applicant is

entitled to a single invention per application and therefore it is necessary for examiner to

restrict the claims such that the claims can be directed to a single invention.

Response to Arguments

4.　Applicant's arguments filed on 05/21/2009 have been fully considered but they

are not deemed to be persuasive. In the remarks, applicant argued in substance that

(a)   Prior art "Fenton and Fishman" does not teach, "after said storing and

identifying, receiving , at said server…. Identification of certain content of said

stored content for sending….".

(b)   Prior art "Fenton and Fishman" does not teach, "wherein said receiving

occurs after said content has been stored and uniquely identified."

As to point (a), Prior art "Fenton and Fishman" does disclose the limitations as

described in Fenton, Fig.11, [0066], The MMS abstract messages used in this

example follow the these conventions: the transactions between the MMS User

Agent 1008 and 1018 and MMS Relay/Server 1004 and 1014 are prefixed with "MM1";

the transactions between the MMS Relay/Servers 1004 and 1014 are prefixed with

"MM4"; requests are identified with ".REQ" as a suffix; and responses are

identified with the ".RES" suffix. Each abstract message carries with it

certain information elements, which may vary according to the specific message.

All messages will carry, as information elements, a protocol version and

message type, in order that the MMSE components may be able to properly

identify and manage the message contents.

As to point (b), Prior art "Fenton and Fishman) does disclose the limitations as

described in Fenton, [0009], a multimedia service server communicably coupled to the

multimedia service relay, a message storage device communicably coupled to the

multimedia service server and a database communicably coupled to the multimedia

service relay. The database contains one or more customized processing instructions.

Further, [0031], The MMC 126 also interfaces with MMS value added service

applications ("MMS VAS Applications") 136 through the MMS Relay 128. The MMS

VAS Applications 136 provide value added services to the MMS users. For example,

the MMS VAS Applications 136 may provide some additional features like multimedia

message recall between MMS VAS Applications 136 and the MMC 126 that are not

available for MMS User Agents 102-112. MMS VAS Applications 136 can generate

CDRs when receiving multimedia messages from MMC 126 and when submitting

multimedia messages to MMC 126 where recalling MMS message is sure after storing.

Claim Rejections - 35 USC § 103

5.   The text of those sections of Title 35, U.S. Code not included in this action can

be found in a prior Office action.

6.   Claims 32 and 43-44 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Fenton et al. (Pub. No.: US 2003/0193951 A1), hereinafter "Fenton" in view of

Fishman.

7.   As to claim 32, Fenton discloses the invention substantially including, storing

content within a database, said database being coupled to a server(Fenton, [0008],

where disclosed is a multimedia database and obviously database);

        uniquely identifying said stored content (Fenton, [0066] discloses the means to

uniquely identify a version number and message type which can interpret as unique

identifier for each content, record, item etc.);

    after said storing and identifying, receiving, at said server, from a first user device of a

    plurality of user devices an abbreviated message including identification of certain

content of said stored content for sending at least a portion of said stored content to a

user device of said plurality of user devices as a data rich message, wherein said data

rich message is selected from the group consisting of: video data and audio data

(Fenton, Fig.1, [0037], describes the core infrastructure of claimed limitation as he

MMS 100 will support the ability to create, update, store, transfer, interrogate, manage

and retrieve a user's multimedia messaging profiles. The multimedia messaging

profiles will allow a user to configure and personalize his or her multimedia messaging

environment and [0038], A recipient will be informed of the reliability of the identity

of the sender in case the sender has authorized his identity to be transmitted.

The integrity of multimedia messages during transit will be assured to extent

of the network capabilities. In addition, the MMS 100 will be intrinsically

resistant to attempts of malicious or fraudulent use.);

compiling, at said server, said data rich message using said identification of said

certain content to retrieve appropriate content of said stored content from said

database for inclusion in said data rich message (Fenton, [0040], Multiple media

elements can combine into a composite single multimedia message using MIME

multipart format as defined in RFC 2046. The media type of a single multimedia

message element can be identified by its appropriate MIME type whereas the media

format can be indicated by its appropriate MIME subtype. The MMS User Agents 102,

104, 106, 108, 110 and 112 can support media formats or codecs for supporting media

types, such as Text (plain text; character encoding (charset) containing a subset of the

logical characters in Unicode);

Fenton however is silent on disclosing explicitly, transmitting said compiled data rich message to said second user device.

Fishman however discloses, transmitting said compiled data rich message to said second user device (Fishman, Fig.2, Abstract, content server is equivalent to media delivery system and Gateway receives the content to deliver it to devices A, B or C, Content store/Web server stores the user and device specific information along with data and obviously content server/web server has the data stored prior to receiving a request from client device, further in a database such as disclosed by Fishman, any new data stored is identified and assigned a unique identity which is also well known in the art);

Therefore it would have been obvious to one of the ordinary skilled in the art at the time the invention was made to combine the teachings of Fenton with the teachings of Fishman in order to provide a mobile gateway to customize content based on one or more operating characteristic of a mobile client. The mobile gateway includes content transforms based on the individual operating characteristics of the various mobile clients that are supported. Upon receiving content for a mobile client, the mobile gateway identifies the appropriate transform, transforms the content, and sends the transformed content to the mobile client.

8.   As to claim 43, Fenton and Fishman disclose, the invention substantially as applied to claims 10, and 32 above, including, a gateway server for use in a communication network where users may direct a transfer of large bandwidth

messages, <u>to other users</u> (Fenton, Fig.1, Element-126), said gateway server

comprising:

at least one database for storing content (Fenton, Fig.1, Element-132, 134), said

stored content being uniquely identified (Fenton, Fig.1, [0041, lines 22-31], and

distribution control apparatus for receiving from at least one of said users a

unique identification of certain content of said stored content (Fenton, Fig.1, Element-

126, [0028], where MMS server acts as message distributor) and for sending at least a

portion of said uniquely identified content to a recipient identified by said one user

(Fenton, Fig.1, [0028], where message is personalized, filtered, screened, formatted,

deleted base on user profile is done at MMS server),

wherein said receiving occurs after said content has been stored and uniquely

identified (Fishman, Fig.2, Abstract, content server is equivalent to media delivery

system and Gateway receives the content to deliver it to devices A, B or C, Content

store/Web server stores the user and device specific information along with data and

obviously content server/web server has the data stored prior to receiving a request

from client device, further in a database such as disclosed by Fishman, any new data

stored is identified and assigned a unique identity which is also well known in the art).

9.   As to claim 44, is rejected for the same rationale as applied to claim 43 above

and further, Fishman discloses the user preferences (Fishman, Fig.2, [0011], where

specific attributes are exchanged to deliver the message as per device requirements).

10.   Claims 33-42 and 45-50 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Fenton and Fishman as applied to parent claims 10 and 32 above in

view of Kontio et al. (Pub. No.: US 2004/0249768 A1), hereinafter "Kontio".

11.   As to claim 33, Fenton and Fishman disclose the invention substantially as in

parent claim 32, including, displaying content to said first user (Fenton, [0026], where

user has the ability to view the message.

         Fenton and Fishman however are silent on, wherein said displaying said content

includes providing information identifying corresponding said stored content. Kontio

however discloses, wherein said displaying said content includes providing information

identifying corresponding said stored content (Kontio, Abstract, where digital voucher

references a primary content that contains information that can distilled out a preview).

         Therefore, it would have been obvious to one ordinary skilled in the art at the

time the invention was made to combine the teachings of Fenton and Fishman as

applied to claims above with the teachings of Kontio in order to provide a system to

control the distribution of digital assets in communications network.

12.   As to claim 34, Fenton, Fishman and Kontio disclose the invention substantially

as in parent claim 32, including, wherein said content is displayed to said first user on a

device separate from said use device (Kontio, [0232], where kiosk terminal could be the

separate device from user device or device in used).

13.   As to claim 35, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 34, including, wherein said separate device comprises a device

selected from, a kiosk (Kontio, [0238], which has a display monitor where product is displayed and key's could be used to retrieve data or specification about product and downloading ticket is a form of transaction).

14.   As to claim 36, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 34, including, wherein said separate device provides said information identifying corresponding said stored content to said first user device electronically (Fenton, [0028], where appropriate message format could be an electronic mail).

15.   As to claim 37, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 34, including, wherein said separate device receives said abbreviated message from said first user device (Kontio, [0018], where inquiring device is user device and listening device can be said separate device and inquiry message searching could be abbreviated message).

16.   As to claim 38, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 34, including, transmitting, by said first user device, said abbreviated message via a native network of said first user device (Fenton, Fig.1, [0026], where message can be send or received via one or more network and any of the displayed network could be a native network).

17.   As to claim 39, Fenton, Fishman and Kontio disclose, the invention substantially as in parent claim 38, including, wherein said native network comprises a cellular telephone network (Fenton, Fig.1, Element-118, 120, 122).

18.   As to claim 40, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 40, including, wherein said native network comprises a WLAN

(Fenton, Fig.1, Element-124, where internet/IP Network could be WLAN).

19.   As to claim 41, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 32, including, wherein said abbreviated message comprises a short

message service (SMS) message (Fenton, [0003], where messages could be SMS).

20.   As to claim 42, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 32, including, prior to said compiling said data rich message,

identifying a version of said certain content suitable for use by said second user device

(Fenton, [0066, lines 32-38], where message carries the version and [0028], where all

the compilation such as, formatting, screening, deleting and modification is done).

21.   As to claim 45, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 43, including, wherein said stored content is not stored under control

of said user (Fenton, Fig.1, Element-134, Abstract, where database is storage content

and is a centralized database).

22.   As to claim 46, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 43, including, transmission apparatus for sending portions of said

stored content (Fenton, Fig.1, [0028], where MMS is used for sending and receiving

messages with unique message identifiers and can format, filter and screen messages),

along with corresponding said unique identity of said content, over a communication

network in a non-user specific broadcast mode (Fenton, Fig.1, [0029], where MMS

Relay 128 uses the appropriate protocol e.g. "SMTP" to transfer the messages).

23.   As to claim 47, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 43, including, wherein said gateway server includes said transmission

apparatus (Fenton, Fig.1, Element-128 can be interpret as transmission apparatus since

it uses SMTP protocol which is used for data transmission).

24.   As to claim 48, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 43, including, wherein said database is arranged to include at least

one message specific to one of said users (Fenton, [0027], where database 134 is

customer or subscriber directory and contains a customized processing instructions

specific to the user).

25.   As to claim 49, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 43, including, wherein said message specific to one of said users is

also available to selected others of said users (Fenton, [0027], since database 134 is

communicatively coupled to the other databases and MMS server therefore, it is

available to other users also).

26.   As to claim 50, Fenton, Fishman and Kontio disclose, the invention substantially

as in parent claim 43, including, wherein said user is charged for the use of said

database according to certain parameters (Fenton, [0045], where customer is charged

for submitting or retrieving multimedia messages).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to TAUQIR HUSSAIN whose telephone number is

(571)270-1247. The examiner can normally be reached on 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Thu Nguyen can be reached on 571 272 6967. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Examiner, Art Unit 2452

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